

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.128 OF 2007

IN

WRIT PETITION NO.3057 OF 2005

Bhrigu Prakash Mishra

..Applicant
(orig.Resp.)

V/s.

Atash Transport Pvt. Ltd.

...Respondent
(Orig.Petitioner)

Mr.A.D. Shetty with Ms.Rita Joshi for Applicant in Support of Notice of Motion.

CORAM : V.M. KANADE, J.

DATED : 20th APRIL, 2007.

P.C.:

1. Heard learned counsel for the Applicant. None appears on behalf of the Respondent through they are served. The applicant in this Notice of Motion is claiming interim reliefs in terms of prayer clause(a) and (b) as under:-

(a) That this Hon'ble Court may be pleased to pass necessary directions to the Hon'ble Labour Court to make a fixed deposit of the awarded amount awarded deposited in the Labour court by the Respondent with any Nationalised Bank as per the procedure.

(b) That this Hon'ble court may be pleased to

direct the Respondents to post/transfer allow the Applicant and allow him to report for work at any office at Mumbai, as per the Award 18.08.2005 passed in Ref(IDA) No 438 of 2000.

2. It is submitted that the petition is admitted by this court by order dated 30/01/2006, directing the Petitioner in the main petition to deposit entire awarded amount with the 4th Labour Court, Mumbai. Further, direction was given to the Labour Court to invest that amount with the Post Office in a fixed deposit so that it could generate monthly interest income. Further direction was given that account should be opened in the name of the 4th Labour Court or the Registrar of the said Court.

3. It is submitted by the learned counsel for the applicant that he made inquiry in the office of the Labour Court to find out whether amount had been invested in the monthly scheme as directed by this court. He further submits that amount can not be deposited since account under M.I.I. Scheme had to be opened in the name of individual only and therefore, account was not opened. He submits that therefore the order dated 30th January, 2006 may be modified

and the Labour Court may be directed to invest the amount in the Nationalized Bank.

4. Order, therefore, is accordingly modified and the Labour Court is directed to invest the amount in a fixed deposit with any Nationalized Bank as per procedure laid down under rules. Notice of motion is accordingly allowed in terms of prayer clause(a).

5. So far as prayer clause (b) is concerned, since the learned counsel for the Respondent is not present today, liberty is granted to the applicant to take out separate notice of motion in the present case, claiming relief as claimed by him in prayer clause(b) of this notice of motion. Accordingly, notice of motion is disposed of in the above terms. Liberty is granted to the applicant to take out a fresh notice of motion seeking relief in terms of prayer clause(b).

V.M. KANADE, J.

